

1 A MEMORIAL

2 REQUESTING THE NEW MEXICO SENTENCING COMMISSION, THE
3 LEGISLATIVE FINANCE COMMITTEE AND THE DEPARTMENT OF FINANCE
4 AND ADMINISTRATION TO COLLABORATE ON DEVELOPING A METHOD FOR
5 MEASURING THE FISCAL IMPACT OF LEGISLATION THAT MODIFIES
6 CRIMINAL PENALTIES.

7
8 WHEREAS, appropriations to the corrections department
9 approached three hundred million dollars (\$300,000,000) in
10 fiscal year 2008, representing an increase of more than
11 eleven percent from the previous year; and

12 WHEREAS, since 1980, the number of adult prisoners in
13 New Mexico has increased by more than four hundred forty
14 percent, and the corrections department projects an increase
15 of another thirty-seven percent by the year 2016, requiring
16 bed space for approximately nine thousand three hundred
17 sixty-five inmates; and

18 WHEREAS, the number of adult prisons has increased since
19 1980 from one facility to twelve facilities, with a
20 thirteenth facility under construction to house six hundred
21 prisoners this summer; and

22 WHEREAS, despite additional facilities in Clayton,
23 Springer and Albuquerque, the corrections department may face
24 overcrowding sometime between 2009 and 2011; and

25 WHEREAS, the case loads of probation and parole officers

1 continue to increase, compromising public safety and offender
2 rehabilitation and reentry; and

3 WHEREAS, in 2007, a law was enacted requiring real-time
4 global positioning monitoring of all sex offenders on parole,
5 which will cost millions of dollars in technology and
6 additional personnel, and, although some costs were provided
7 in a narrative, no fiscal impact was estimated for that
8 legislation; and

9 WHEREAS, fiscal impact reports generated during a
10 legislative session do not account for the fiscal impact of
11 bills that increase or decrease criminal penalties, create
12 new crimes, impose or remove mandatory minimum terms of
13 imprisonment, require specific technology for monitoring
14 probationers or parolees or modify the law in such a way that
15 the time served in prison or on probation or parole increases
16 or decreases; and

17 WHEREAS, there are computer models, research and data
18 available that can assist in forecasting the fiscal impact of
19 such legislation;

20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
21 STATE OF NEW MEXICO that the legislative finance committee,
22 the department of finance and administration and the New
23 Mexico sentencing commission be requested to collaborate on
24 establishing a method, if feasible, to measure the fiscal
25 impact of legislation that increases or decreases criminal

1 penalties, creates new crimes, imposes or removes mandatory
2 minimum terms of imprisonment, requires specific technology
3 for monitoring probationers or parolees or modifies the law
4 in such a way that the time served in prison or on probation
5 or parole increases or decreases; and

6 BE IT FURTHER RESOLVED that the legislative finance
7 committee, the department of finance and administration and
8 the New Mexico sentencing commission determine what computer
9 models, technology, research, data and personnel are
10 necessary to enable the legislative finance committee to
11 generate fiscal impact reports in a timely manner on
12 legislation that affects criminal penalties; and

13 BE IT FURTHER RESOLVED that the legislative finance
14 committee, the department of finance and administration and
15 the New Mexico sentencing commission report the results of
16 their study to the appropriate interim legislative committee
17 during the 2008 interim; and

18 BE IT FURTHER RESOLVED that copies of this memorial be
19 transmitted to the chair of the legislative finance committee,
20 the chair of the New Mexico sentencing commission, the
21 secretary of finance and administration, the director of the
22 legislative finance committee and the executive director of
23 the New Mexico sentencing commission. _____